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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,789

12/02/2003

Robert W. Hurtz

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55428

7590

08/20/2009

ROBERT VARITZ
4915 SE 33RD PLACE
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EXAMINER

MCCOMMAS, BRENDAN N

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

08/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,789	Applicant(s) HURTZ ET AL.	
	Examiner BRENDAN MCCOMMAS	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/13/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1, and 3** are rejected under 35 U.S.C. 103(a) as being anticipated by Aschenbrenner et al. (U.S. Patent Publications 7,218,405), hereinafter referenced as Aschenbrenner further in view of Christiansen et al. (United States Patent Publication 2004/0196493) hereinafter referenced as Christiansen.
2. **Regarding claim 1**, Aschenbrenner discloses a method for process handling of a PDF data stream which is en route to a printer, as disclosed in column 9, lines 34-39 comprising:

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3. querying such a PDF data stream to detect the presence therein of a PDF image only file, as disclosed in column 10, lines 1-10 and lines 49-65,

4. on detecting the presence of a PDF image only file in the data stream, and with respect to the data in that file, directing that data to a dedicated, PDF image-only pipeline processing path (with its own color profile as well), as disclosed in column 9, lines 34-50 and exhibited in figure 5, path 514, and for PDF files that are other than a PDF image only file performing conventional PDF handling en route to a printer, as exhibited in figure 5, path 512. The Examiner points to [0007]- [0008] where the exclusive image data is in PDF format. However Aschenbrenner fails to explicitly disclose that the method is PDF-exclusive. However it would have been obvious to one of ordinary skill in the art at the time of the invention to include such a modification to the invention of Aschenbrenner, as taught by Christiansen. In a similar field of endeavor, Christiansen discloses a method for enhanced management for raster image processing resources. In addition Christiansen discloses that the RIP pipeline is PDF exclusive, as disclosed in [0020]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the modifications of Christiansen in the invention of Aschenbrenner, for the purpose of efficiently servicing only PDF print jobs for part of the time that the printer is in operation, as disclosed in Christiansen [0020].

5. **Regarding claim 3**, Aschenbrenner and Christiansen disclose everything claimed as applied above (see claim 1) In addition claim 3 is interpreted and rejected for

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the reasons set forth in the rejection of claim 1. Claim 1 describes a method, and claim 3 describes an apparatus for implementing the method. Thus claim 3 is rejected.

16. **Claims 2 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aschenbrenner et al. (U.S. Patent Publications 7,218,405), hereinafter referenced as Aschenbrenner, further in view of Christiansen et al. (United States Patent Application Publication 2004/0196493) hereinafter referenced as Christiansen, further in view of Matsuhara et al (US Published Application Publication 2004/0190045).

5. **Regarding claim 2**, Aschenbrenner and Christiansen disclose everything claimed as applied above (see claim 1). However Aschenbrenner fails to explicitly disclose the method wherein the directing includes specifically directing a detected image-only block of PDF data to a path which includes processing steps involving image decoding and downstream from image decoding, rendering for printing. However it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature in the invention of Aschenbrenner, as taught by Matsuhara. In a similar field of endeavor, Matsuhara discloses an image processing apparatus and data processing apparatus. In addition Matsuhara discloses the method wherein the directing includes specifically directing a detected image-only block of PDF data to a path which includes processing steps involving image decoding [0041] and downstream from image decoding, rendering for printing, as disclosed in [0038] and exhibited in figures 8 and 9. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include such modifications to the invention of Aschenbrenner, for the

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purpose of allowing the user to more easily enact a plurality of processing on the image data stream, as disclosed in Matsuhara, [0013]. However Aschenbrenner and Matasuhara fail to explicitly disclose that the method is PDF-exclusive. However it would have been obvious to one of ordinary skill in the art at the time of the invention to include such a modification to the invention of Aschenbrenner and Matasuhara, as taught by Christiansen. In a similar field of endeavor, Christiansen discloses a method for enhanced management for raster image processing resources. In addition Christiansen discloses that the RIP pipeline is PDF exclusive, as disclosed in [0020]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the modifications of Christiansen in the invention of Aschenbrenner and Matasuhara, for the purpose of efficiently servicing only PDF print jobs for part of the time that the printer is in operation, as disclosed in Christiansen [0020].

7. **Regarding claim 4**, Aschenbrenner, Matsuhara and Christiansen disclose everything claimed as applied above (see claim 3) In addition claim 4 is interpreted and rejected for the reasons set forth in the rejection of claim 2. Claim 2 describes a method, and claim 4 describes an apparatus which implements the method. Thus claim 4 is rejected

Response to Arguments

22. Applicant's arguments filed 05/13/2009 have been fully considered but they are Considered moot on the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN MCCOMMAS whose telephone number is (571)270-3575. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Brendan N. MCCommas/
Examiner, Art Unit 2625

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